

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RUFUS A. PARTLOW, JR.	:	CIVIL ACTION
	:	
<i>Plaintiff,</i>	:	NO. 02-CV-3188
	:	
V.	:	
	:	
AMERICAN RED CROSS	:	
Penn Jersey Region	:	
	:	
<i>Defendant.</i>	:	

Fullam, J.

February , 2003

**REVISED MEMORANDUM AND ORDER**

Plaintiff was formerly employed by the defendant. He asserts that the defendant violated the Americans With Disabilities Act, 42 U.S.C §12101, et seq. by discharging him from employment because of his disabilities.

Before bringing this action, plaintiff had earlier pursued a state court action (CP Philadelphia, No. 629, August Term 2000) against this same defendant, asserting claims based upon the Pennsylvania Human Relations Act, an ordinance of the City of Philadelphia, and various common law theories, all predicated upon the same facts alleged in this present action. Plaintiff concedes, in his brief, that this federal action is "factually identical to the state action" (plaintiff's brief, page 3). In the state court action, judgment was entered in favor of the defendant, and the Pennsylvania Superior Court affirmed (No. 854 E.D.A. 2002, October 3, 2002).

The state courts determined that, in fact, plaintiff does not suffer from a "disability" as defined in the PHRA. The ADA uses the same definition of disability as the PHRA, and defendant, therefore, asserts that plaintiff's claims are barred by collateral estoppel. While that is undoubtedly true, it is unnecessary to consider the precise factual findings of the state courts, since this action is undoubtedly barred by the doctrine of res judicata. Churchill v. Star Enterprises, 183 F.3d 184, (3d Cir. 1999). Defendant's Motion for Summary Judgment will therefore be granted.

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v. : :  
: :  
AMERICAN RED CROSS : :  
Penn Jersey Region : :  
: :  
*Defendant*. : :

ORDER

AND NOW, this day of February, 2003, upon consideration of defendant's Motion for Summary Judgment and plaintiff's Response, **IT IS ORDERED:**

1. Defendant's Motion for Summary Judgment is **GRANTED**.
2. This action is **DISMISSED** with prejudice.

BY THE COURT:

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John P. Fullam, Sr. J.

